

The Senate Special Judiciary Committee offered the following substitute to HB 896:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to continuances, so as to change provisions relating to a continuance in a speedy trial demand case involving a witness who is on active duty as a member of the National Guard or component of the armed forces of the United States; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 8 of Title 17 of the Official Code of Georgia Annotated, relating to continuances, is amended by revising subsection (c) of Code Section 17-8-31, relating to grounds for granting of continuances in certain cases involving certain military personnel, as follows:

"(c) In cases in which a demand for speedy trial has been filed in accordance with Code Section 17-7-170 or 17-7-171, the court shall grant the continuance if the party moving for a continuance pursuant to subsection (b) of this Code section establishes by testimony, affidavits, or other evidence that:

(1) The witness is material and necessary;

~~(2) The witness is located outside the territorial limits of the state;~~

~~(3)(2) The party has submitted a request to the proper military authorities for the testimony of the witness in accordance with Section 301 of Title 5 of the United States Code and federal regulations or directives issued by the armed forces pursuant thereto~~
witness has been activated to military duty for assignment in an area designated as a combat zone by federal law; and

~~(4)(3)~~ (3) The witness will not be available within the time limits prescribed by Code Section 17-7-170 or 17-7-171.

This continuance shall toll the running of the demand for speedy trial and shall continue the trial until the witness is released from active duty or the military makes the witness

27 available to testify. If the witness only becomes available to testify within the last two
28 weeks of the term of court in which the case must be tried, the case may be tried at the next
29 succeeding term of court."

30 **SECTION 2.**

31 All laws and parts of laws in conflict with this Act are repealed.